No. 17-1351

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2, Plaintiffs – Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence, Defendants – Appellants.

On Appeal from the United States District Court for the District of Maryland, No. 8:17-cv-00361 (Chuang, J.)

UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF AMICI CURIAE OF SERVICE EMPLOYEES INTERNATIONAL UNION, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AND AMERICAN FEDERATION OF TEACHERS SUPPORTING PLAINTIFFS-APPELLEES

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Dated: April 19, 2017

Respectfully Submitted,

SERVICE EMPLOYEES INTERNATIONAL UNION

By *__/s/ Claire Prestel__*
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I. INTRODUCTION

The Service Employees International Union ("SEIU"), the American Federation of State, County and Municipal Employees ("AFSCME"), and the American Federation of Teachers ("AFT") respectfully move for leave to file an amicus curiae brief in support of Plaintiffs-Appellees. A copy of the proposed brief is attached and submitted herewith. SEIU respectfully submits that its filing of the attached brief is timely, desirable, and worthy of this Court's consideration.

II. ARGUMENT

The goal of any amicus curiae is "to call the court's attention to … facts or circumstances in a matter then before it that may otherwise escape its consideration."[1] The fundamental requirements of Rule 29 of the Federal Rules of Appellate Procedure are that an amicus curiae brief be "relevant" and "desirable."[2] The proposed brief here satisfies both requirements.

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[1] 4 Am. Jur. 2d, *Amicus Curiae* § 6 (2004).

[2] Fed. R. App. P. 29(b)(1).

A. This Court Has Broad Discretion To Allow The Participation Of Amici Curiae

Permitting a nonparty to submit a brief as amicus curiae is, "with immaterial exceptions, a matter of judicial grace."[3] Circuit courts have rarely disclosed the considerations weighed when deciding a motion for leave to file an amicus brief. But the courts in the Fourth Circuit have permitted briefs filed by amici who demonstrate "a special interest in the outcome of the suit" and "provide helpful information to the court."[4] And the Defendants-Appellants have indicated that they do not object to timely-filed amicus briefs.

B. Service Employees International Union, AFSCME and AFT Have the Requisite Interest

The Service Employees International Union is an international labor organization representing approximately two million working men and women in the United States and Canada employed in the private and public sectors. Members include public school teachers, janitors, security officers, nurses, and long-term care workers who provide quality healthcare, education, and building services. Many of SEIU's, AFSCME's, and AFT's members are foreign-born U.S. citizens, lawful permanent residents, or immigrants authorized to work in the United States. And many of SEIU's members have mixed-status families.

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[3] *NOW, Inc. v. Scheidler*, 223 F.3d 615, 616 (7th Cir. 2000).

[4] *Am. Humanist Ass'n v. Maryland-National Capital Park & Planning Comm'n,* 303 F.R.D. 266, 269 (D. Md. 2014).

C. SEIU, AFSCME, and AFT Can Provide Helpful Information To The Court That Will Not Duplicate Arguments Presented By The Parties

The accompanying amicus brief from SEIU, AFSCME, and AFT provides additional information showing why plaintiffs have suffered a cognizable injury conferring standing to challenge President Donald J. Trump's March 6, 2017 Executive Order ("Executive Order"). The amicus brief contains factual information that will assist the Court in resolving the parties' competing claims on that issue, without duplicating the parties' arguments. The brief documents that the impact of the Executive Order on the union members and others across the nation is profound. These immediate, real-word impacts highlight the immediate and irreparable harm that will occur if the Executive Order is allowed to stand.

D. The Amicus Brief is Timely

The filing of this motion with the accompanying brief is timely. In this case, the Court has ordered that "any amicus curiae brief in support of Plaintiffs shall be filed by April 19, 2017." (Dkt. No. 25.) Accordingly, the instant motion and brief are being filed within the time frame set by the Order. Alternatively, and again drawing on the appellate rules, this Court can exercise its discretion, as it deems necessary and appropriate, and specify a time within which the United States may "answer" the amicus brief from SEIU. *See* Fed. R. App. P. 29(e).

III. CONCLUSION

The Court should therefore exercise its discretion to permit SEIU to file the attached amicus brief. Counsel of record for SEIU is familiar with the scope of the arguments presented by the parties and will not unduly repeat those arguments. Instead, the SEIU draws from its communications with SEIU members and their families around the nation. These communications illustrate the profound, widespread, and irreparable harm the Executive Order has caused and would continue to cause if the District Court's Preliminary Injunction were undone.

DATED: April 19, 2017

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limits because it contains 673 words, excluding the parts exempted by Rule 32(f). This motion complies with the typeface and type-style requirements because it was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century.

April 19, 2017 */s/ Claire Prestel*

CERTIFICATE OF SERVICE

I certify that on April 19, 2017, this motion was served on all parties or their counsel of record through the CM/ECF system.

April 19, 2017 *_/s/ Claire Prestel_*